

702 KAR 1:150. Employment of KTRS retiree in full-time position.

RELATES TO: KRS 156.106, 160.380, 161.605

STATUTORY AUTHORITY: KRS 156.070, 156.106, 161.605(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.106 and 161.605(3) require the Kentucky Board of Education to promulgate administrative regulations to establish procedures to be used to appoint retired teachers and administrators to teaching and nonteaching positions if no other qualified applicant is available to fill the position. This administrative regulation establishes the procedures for local school districts to follow to determine whether other qualified applicants are available to fill a teaching or nonteaching position, and if not, for filling the position with a retired member.

Section 1. Definition. "Qualified teacher" means a teacher who holds the appropriate certification for the position unless the superintendent of the employing school district has documented evidence that the teacher is unsuitable for appointment.

Section 2. To establish the need for employing a retired teacher or administrator in a teaching or nonteaching position, a school district superintendent shall submit a written statement to the Kentucky Teacher's Retirement System confirming the following:

- (1) The superintendent has made every reasonable effort to recruit an active teacher or administrator for the position on an annual basis;
- (2) No qualified teacher or administrator has applied for the vacant position, or to the superintendent's knowledge, a qualified teacher or administrator is not available for the position;
- (3) The vacancy has been advertised locally, regionally, and statewide by appropriate means;
- (4) The school district has been unsuccessful in recruiting a qualified teacher or administrator for the vacant position from the listings of teachers and administrators supplied by the placement services of the teacher education institutions, the Kentucky Department of Education, and other professional organizations; and
- (5) The local school district has complied with the criminal records check required by KRS 160.380 as to the applicant whom the school district intends to hire into the vacant position.

Section 3. (1) A request to appoint a retired teacher or administrator in a position in a teaching or nonteaching position shall be submitted to the Kentucky Teacher's Retirement System, and the local district shall keep on file a specific plan for continuing to recruit an active teacher or administrator for the position.

(2) If the statewide quota for the hiring of teachers and administrators in teaching and nonteaching positions has not been met, after September 15 of each school year a local school district superintendent may request approval from the Department of Education for the school district to exceed its quota of retired teachers and administrators as employees, pursuant to KRS 156.106(4) and 161.605(4). (27 Ky.R. 1395; Am. 1801; eff. 1-15-2001, 209 Ky.R. 1888, 2284; eff. 3-19-03.)